

**IN THE CIRCUIT COURT IN AND FOR BREVARD COUNTY
EIGHTEENTH JUDICIAL CIRCUIT, FLORIDA**

LAWRENCE "LARRY" SINCLAIR AND BRENDA
WARNER,

Plaintiff

CASE NO. 05-2020-CA-041752-XXXX-XX

Vs.

THE CITY OF COCOA, a Political Subdivision
of the State of Florida and LAVANDER HEARN,

Defendant

...../

**PLAINTIFF SINCLAIR MOTION FOR RECONSIDERATION AND
REINSTATEMENT OF CASE**

COMES NOW Plaintiff Sinclair with MOTION FOR RECONSIDERATION AND
REINSTATEMENT OF CASE and as grounds therefore state as follows:

1. Plaintiff Sinclair notified this court and all parties well in advance he was physically unable to travel to appear at the Pre-Trial Hearing and with consent of Defendant City of Cocoa filed Motion for leave to appear via video at September 1, 2023 hearing. As witness thereof see attached copy of filed Motion dated August 30, 2023.
Exhibit A
2. This Court is not only incorrect in its finding "that Plaintiff failed to comply with this courts Order of August 16, 2023," its asserting is false. Plaintiff provided to defendant City of Cocoa counsel Debra Babbs-Nutcher written documentation from Plaintiffs primary care provider in both his native Spanish and translated into English via email on August 24, 2023 at 10:05PM Central Time and Defendant counsel acknowledged receipt thereof on August 24, 2023 at 11:05PM ET and again on August 25, 2023 at 8:04am.

Warner's failure to appear, however Plaintiff Sinclair not only made every effort to appear he repeatedly notified this court and the parties of the circumstances well in advance, and this Court chose to respond to plaintiff in a clearly combative tone when it was completely unnecessary.

4. This Courts September 5, 2023 Order of Dismissal is not only inappropriate and prejudicial to plaintiff it is contradictory to the rule and standard of law. It also gives defendants freedom to knowingly defraud the citizens of the City of Cocoa, this very Court by knowingly filing false documents and presenting deliberate and planned perjured testimony in the furtherance of the fraud.
5. The Court issued an Order requiring items that simply could not have been provided the court as required within the order because plaintiff had not even obtained a single piece of discovery requested nor had the court taken action of plaintiffs request to have witness who refused to appear for three (3) separate scheduled and properly noticed depositions.

Wherefore Plaintiff requests this court to VACATE its September 5, 2023 ORDER of DISMISSAL, issue ORDER reinstating the action and taking under consideration the Motions pending before this court and after discovery then set a Pre-Trial conference.

Dated this 5th day of September 2023.

Lawrence Sinclair

Lawrence (Larry) Sinclair, pro se
Chilpancingo 320, Mitras Nte., 64320
Monterrey, N.L., Mexico
+52 951 437 0777
lsnewsgroup@gmail.com
lws092661@gmail.com

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing **PLAINTIFF SINCLAIR MOTION FOR RECONSIDERATION AND REINSTATEMENT OF CASE** has been furnished electronically (by E-service) To Alton T. Edmond, Counsel for Defendant Hearn edmondtriallaw@gmail.com Debra Babbs-Nutcher, Counsel for Defendant City of Cocoa dbabb@orlandolaw.net and via direct email to Brenda Warner Plaintiff pro se at brenda4cocoa@gmail.com this 5th day of September 2023.

Lawrence Sinclair

Lawrence (Larry) Sinclair, pro se
Chilpancingo 320, Mitras Nte., 64320
Monterrey, N.L., Mexico
+52 951 437 0777
lsnewsgroup@gmail.com
lws092661@gmail.com

Plaintiff Exhibit A

**IN THE CIRCUIT COURT IN AND FOR BREVARD COUNTY
EIGHTEENTH JUDICIAL CIRCUIT, FLORIDA**

LAWRENCE "LARRY" SINCLAIR AND BRENDA
WARNER,

Plaintiff

CASE NO. 05-2020-CA-041752-XXXX-XX

Vs.

THE CITY OF COCOA, a Political Subdivision
of the State of Florida and LAVANDER HEARN,

Defendant

..... /

**PLAINTIFF SINCLAIR CONSENT MOTION TO APPEAR FOR PTC
SEPTEMBER 1, 2023 VIA VIDEO**

COMES NOW Plaintiff Sinclair **CONSENT MOTION TO APPEAR AT PRE
TRIAL-CONFERENCE SEPTEMBER 1, 2023** via video and as ground therefore state as
follows:

1. Plaintiff Sinclair was scheduled to undergo surgery August 29, 2023 however it has been postponed until the week of September 4, 2023 due to elevated blood sugar, blood pressure and trig levels needing to be reduced.
2. Plaintiffs physical condition makes travel almost impossible and Defendant City of Cocoa has expressed to plaintiff their having no issue with plaintiff appearing via video should this court grant said request.
3. Plaintiff is simply ignored by defendant Hearn in everything submitted to defendant whether requests for consent or discovery requests and given the time frame for this hearing plaintiff has chosen not to waste the courts time attempting to seek a reply from defendant Hearn.

September 1, 2023 and advise Plaintiff on the proper login instructions for said hearing.

Dated this 30th day of August 2023.

Lawrence Sinclair

Lawrence (Larry) Sinclair, pro se
Chilpancingo 320, Mitras Nte., 64320
Monterrey, N.L., Mexico
+52 951 437 0777
lsnewsgroup@gmail.com
lws092661@gmail.com

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing **PLAINTIFF SINCLAIR CONSENT MOTION TO APPEAR FOR PTC SEPTEMBER 1, 2023 VIA VIDEO** has been furnished electronically (by E- service) To Alton T. Edmond, Counsel for Defendant Hearn edmondtriallaw@gmail.com Debra Babbs-Nutcher, Counsel for Defendant City of Cocoa dbabb@orlandolaw.net and via direct email to Brenda Warner Plaintiff pro se at brenda4cocoa@gmail.com this 30th day of August 2023.

Lawrence Sinclair

Lawrence (Larry) Sinclair, pro se
Chilpancingo 320, Mitras Nte., 64320
Monterrey, N.L., Mexico
+52 951 437 0777
lsnewsgroup@gmail.com
lws092661@gmail.com